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*\*(motions for admission  
pro hac vice forthcoming)*

*Attorneys for Plaintiff NetChoice, LLC*

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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH**

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**NETCHOICE, LLC,**

**Plaintiff,**

**v.**

**SEAN D. REYES, in his official  
capacity as Attorney General of Utah,**

**KATHERINE HASS, in her official  
capacity as Director of the Consumer  
Protection Division of the Utah  
Department of Commerce,**

**Defendants.**

**DECLARATION OF NONA YADEGAR  
IN SUPPORT OF PLAINTIFF'S  
MOTION FOR PRELIMINARY  
INJUNCTION**

**Case No. \_\_\_\_\_**

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I, Nona Yadegar, declare as follows:

1. I am over 18 years of age and am competent to make this Declaration. I possess personal, firsthand knowledge of the assertions made herein.

2. I am currently employed as Director, Strategy and Operations at Snap Inc. ("Snap"). I have held this role since 2022. Prior to this role, I was the Director, Platform Policy & Social Impact, a position which I held for over four years. Before that, I spent two years as Snap's Head of Trust and Safety, a position I held from the time I joined Snap in 2016 until the summer of 2018. I make this declaration based on personal knowledge, including information and belief obtained from performing my job duties in the ordinary course of business.

3. Snap's flagship application is Snapchat, a camera and communications service that allows users to communicate with friends and family using text, audio and video calls, photos, and short videos. Snapchat is typically used for direct, private communications between small groups of people who already know each other in real life. By default, friendship on Snapchat is "bidirectional," meaning that someone has to accept a user as a friend in order for a friend relationship to be formed.

4. Snapchat opens to the user's camera and allows the user to send texts and images (called "Snaps") that delete by default after being opened. This default ephemerality feature is designed to mirror real-life interactions. It affords users a digital way to show a more authentic, unpolished, and spontaneous side of themselves. Snapchat also offers users a variety of tools to add effects to their photos, such as adding puppy dog ears to a face or augmented reality effects on a landmark (like rainbows coming out of the Eiffel tower). Since October 2013, users have been able to compile photos and videos into "Stories" generally available for 24 hours which, by default,

are viewable only by a user's friends. Through Snapchat's "Discover" feature, users also have access to content from trusted partners (e.g., NBC News) and popular creators. Snap also more recently introduced "Spotlight," a feature that allows users to make videos that, after vetting, can be more widely distributed. Over 400 million people globally use Snapchat every day to communicate with friends and stay in touch.

5. When creating an account on Snapchat, users are required to provide their date of birth, as well as to provide either an email address or phone number. Individuals under age 13 are not allowed to create an account. If Snap learns that a registered user is under 13, it takes action to terminate the account.

6. Snap takes numerous precautions to protect minors (age 13-17) who use the service. For example, minors are not permitted to have public profiles and can only receive direct messages from users with whom they are already friends on the platform or already have in their phone's contacts. Snap empowers users to report harmful images or videos, and it employs technology to identify known illegal images and videos of child sexual abuse materials, which it then reports to the relevant authority. Snap also takes steps to safeguard the mental health of its users. For instance, in 2020, Snap launched Here For You which surfaces resources from expert organizations to Snapchat users when they search for a range of mental-health related topics.

7. In addition, Snap offers parents ways to gain insight into their teens' use of the platform. Through Snapchat's Family Center, a parent or guardian can install Snapchat on their phone and then link to their teen's account to see which friends the teen has been recently communicating with on Snapchat. Family Center is designed to mirror the oversight that parents have over their teens' actions in real life. For instance, parents typically know who their teen



spends time with in-person, but they generally do not hear all the in-person conversations that their teens have with their friends.

8. Without advertising revenue, Snap could not continue to function in its current form. Snap uses advertisements on Snapchat in several ways:

- a. Snap earns a substantial portion of revenue from Snap Ads. Snapchat Ads Manager lets a business create, launch and manage ads on Snapchat that reach a global audience, driving impactful results.
- b. Snap also collaborates with advertisers to feature product placements within Snapchat itself. For example, Snap might earn revenue from a Sponsored Lens, which allows users to interact with an advertiser's brand by enabling branded augmented reality experience such as wearing a sponsor's sunglasses or hat, or from a Sponsored Filter, which allows users to interact with an advertiser's brand by enabling stylized brand artwork to be overlaid on a Snap.
- c. Many Snapchat users also use Snapchat to post their own interests or opinions in a way that could be considered advertising under Utah's Social Media Regulation Act. These can come in the form of "influencer" accounts that post product reviews or they can come from any Snap user who wishes to advertise a product or service to their friends. For example, an artist might advertise a gallery opening, or a musician might advertise that there is a new song or album available for download. Major brands use their Snapchat accounts for this type of self-promotion advertising, too.

9. Snap processes the personal data of its users in order to offer Snapchat features that are designed to be personalized and user friendly. Snap's current Privacy Policy explains the kind of personal data that Snap collects and what it is used for. *See* <https://values.snap.com/privacy/privacy-policy>. For example:

- a. Snap collects users' account details (like name, username, password, email address, and phone number) to allow users to set up an account and authenticate to and use Snap's services, including Snapchat;
- b. Snapchat collects information about the device used by a user to access Snap's services, including a user's hardware model, operating system version, and internet protocol address (IP) to, among other things, provide, improve and personalize the services and advertisements and protect users. For example, Snap uses this information to properly display content and advertisements on a user's particular device model and to facilitate Snap's efforts to monitor and protect users from abuse, including attempts to compromise a user's account;
- c. With a user's express permission at the device-level, Snap may collect information from a user's device's phonebook to personalize and improve Snap's services by, among other things, suggesting friends, and helping users find each other in Snapchat;
- d. Many of Snap's services request that users grant Snap access to a user's device camera and photos, because Snapchat allows users to express themselves visually and the app opens in the Camera tab. For example, users won't be able

to take Snaps or upload photos from their camera roll unless Snap can access their camera or photos;

- e. Snap also collects general information about a user's location, and, if a user grants Snap express permission, Snap may collect a user's precise location through methods such as GPS. Location information allows Snap to provide a localized and personalized experience, including ads. For example, a user's location may be used to provide a location-based augmented reality experience, allow users to post Snaps that appear at a particular place on the Snap Map, or allow an advertiser to show an ad for a local coffee shop.
- f. Snap collects and stores information about a user's reported age in an effort to provide an age-appropriate experience, including showing users age-appropriate content and advertisements, facilitating use of Snap's Family Center product, and triggering friending and communication safeguards designed to prevent teens from communicating with people they do not know.

10. Snap's services (including Snapchat) use several different features to improve the user's experience and to differentiate Snapchat in the marketplace.

- a. Chat screen. A user's chat screen hosts that user's friends' Snaps and Chats in one place.
- b. Account screen. This is where a user can add Snaps to Stories, manage them, see who has viewed them, or delete Snaps from their Story.
- c. Filters. Filters are design overlays that a user can add on top of their Snaps.



- d. Lenses. Lenses are an augmented-reality experience that transforms the way users or the environment around them looks. Lenses can be used in creating Snaps to add 3D effects, objects, characters, and transformations.
- e. Search. Snapchat has a search feature that allows users to search across the app, including for content, friends, and connections. Snap employs various safeguards designed to prevent searching for unsafe content. For example, Snap blocks search results for common drug-related terms, instead redirecting users to resources from experts about the dangers of Fentanyl and other drugs.

11. Snap organizes and displays the Stories and other app content in ways that are meant to be meaningful and enjoyable to users. It is not possible, nor desirable, to show a user all content at the same time. Instead, Snap uses algorithms to suggest the content considered most relevant to a user first.

12. I am familiar with Utah's Social Media Regulation Act, Utah Code §§ 13-63-101 to 701 (the "Act"). While Snap does not interpret the Act to apply to Snapchat given that Snapchat's "predominant purpose" is direct messaging, the Act's definitions are vague. To the extent the Act was deemed to apply to Snapchat, it would implicate fundamental aspects of Snap's services and require extensive modifications that would fundamentally alter the nature of those services, including: implementing age-verification and identity-verification processes; implementing parental-identification and verifiable parental consent processes; modifying Snap's advertising and targeted content model; revising significant portions of Snapchat's code, and; materially modifying Snap's practices for collecting and using personal data of its users. These changes would impede users' access to and enjoyment of Snapchat's services. These changes are

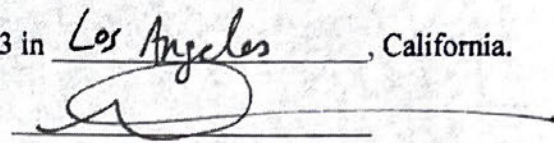


also costly and will require a significant amount of budget, resources and staff investment over many months and possibly longer.

\* \* \*

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the foregoing to be true and correct to the best of my knowledge.

Executed on this 13<sup>th</sup> day of December, 2023 in Los Angeles, California.

A handwritten signature in dark ink, appearing to read 'Nona Yadegar', is written over a horizontal line. The signature is fluid and cursive.

Nona Yadegar